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BOOK AND PAGE
TED C. WILLIAMS
REGISTER OF DEEDS

AUTOMOBILE SALVAGE YARD

AND

JUNKYARD ORDINANCE

COUNTY OF YADKIN

**ADOPTED AND EFFECTIVE DECEMBER 7, 1981
AMENDED APRIL 21, 1997 / EFFECTIVE MAY 1, 1997
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AUTOMOBILE SALVAGE YARD AND JUNKYARD ORDINANCE
YADKIN COUNTY, NORTH CAROLINA

An Ordinance of Yadkin County, North Carolina regulating the development, operation, maintenance and expansion of Automobile Salvage Yards and Junkyards within the unincorporated area of Yadkin County, North Carolina.

ARTICLE I

GENERAL PROVISIONS

Section 1.1 Title

This Ordinance shall be known and may be cited as the Automobile Salvage Yard and Junkyard Ordinance of Yadkin County, North Carolina.

Section 1.2 Authority

This Ordinance is adopted under the authority of North Carolina General Statutes Chapter 153A, Section 121(a).

Section 1.3 Jurisdiction

This Ordinance shall govern the development, operation, maintenance and expansion of Automobile Salvage Yards and Junkyards within the unincorporated portions of Yadkin County, North Carolina.

Section 1.4 Compliance Required

From and after the effective date of this Ordinance it shall be unlawful for any person to develop, operate, maintain or expand an Automobile Salvage Yard or Junkyard within the jurisdiction of this Ordinance except in compliance with the provisions of this Ordinance.

Section 1.5 Definitions

- (a) Automobile Salvage Yard: Any establishment which is maintained, used or operated for storing, keeping, buying and/or selling six (6) or more wrecked, junked, scrapped, ruined, dismantled or inoperable motor vehicles, regardless of the length of time which individual motor vehicles are stored or kept at said establishment. An existing Automobile Salvage Yard shall be one which was in existence on the effective date of this Ordinance as evidenced by registration of the Yard in accordance with Section 3.3(a).
- (b) Building: Any structure having a roof and completely enclosed with walls.
- (c) Evergreen Vegetation: Trees and/or shrubs which have green foliage throughout the year.
- (d) Expansion: The addition of any salvaged automobiles or junk to an existing Yard, the addition of which is visible from adjoining residential property or public road. Any additional property acquired after the effective date of this Ordinance, and used to add junk or junked motor vehicles, whether adjoining an existing Yard or not, shall be subject to the provisions for new Yards.

- (e) Garage or Repair Shop: An establishment which is maintained and operated for the primary purpose of making mechanical and/or body repairs to automobiles, trucks, tractors, farm equipment, lawn mowers, and other mechanical and motor vehicles and equipment and which receives seventy percent (70%) or more of its gross income from charges made for such repairs.
- (f) Junk: Old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, dismantled or wrecked vehicles or parts thereof, iron, steel, discarded mobile homes and other old or scrap ferrous or nonferrous material.
- (g) Junkyard (Yard): Any open area of approximately five hundred (500) square feet or more which is maintained, operated, or used for storing, keeping, dismantling, disassembling, salvaging abandoning, buying or selling junk regardless of length of time that junk is stored or kept, or for maintenance or operation of an automobile graveyard, but shall not include County operated facilities. Mounds of junk which consist of the cubic measurement equivalent of five hundred (500) square feet shall also constitute a Junkyard. An existing junkyard shall be one which was in existence on the effective date of this ordinance as evidenced by registration of the Yard in accordance with Section 3.3(a).
- (h) Junked Motor Vehicles: The term junked motor vehicle means a vehicle that does not display a current license plate and that: (1) is partially dismantled or wrecked; or (2) cannot be self-propelled or moved in a manner in which it originally was intended to move.
- (i) Person: An individual, firm, association, organization, partnership, trust, company, corporation and/or other entity.
- (j) Road: Any road or highway which is now or hereafter designated and maintained by the North Carolina Department of Transportation as part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways.
- (k) Screening Device: A screen that is at least ninety percent (90%) opaque from the ground to a height of at least six (6) feet. The screen is intended to provide visual separation between adjoining properties and to create a strong impression of special separation. The screen may be composed of a wall, fence, or landscape earth berm.
- (l) Service Station: Any establishment which is maintained and operated for the primary purpose of making retail sales of fuel, lubricants, air, water, and other items for the operation and routine maintenance of motor vehicles, and/or making receives more than seventy percent of its gross income from the retail sale of the aforesaid items and/or from the making of mechanical repairs, servicing and/or washing of motor vehicles.
- (m) Visual Separation: A clear and apparent division between adjoining properties.

ARTICLE II

DEVELOPMENT STANDARDS

Section 2.1 General

All Automobile Salvage Yards or Junkyards, and all Expansions of existing Automobile Salvage Yards or Junkyards shall conform to all of the following development standards.

Section 2.2 Screening Device - Public Road

If an Automobile Salvage Yard or Junkyard or expansion will be visible from a road, a screening device as defined herein shall be installed so as to effectively visually separate such a Yard or expansion from the road.

Section 2.3 Screening Device - Adjoining Property

In any case where a proposed Automobile Salvage Yard or Junkyard or expansion will be visible from pre-existing residential property a screening device shall be installed so as to provide visual separation. Such screen shall be installed in such a location as to provide the most effective visual separation but shall not be required to be longer than two hundred (200) feet to provide visual separation. However, more than one screening section may be required to be installed where a Yard shares a common property line with more than one residential property. Such screening device shall not obstruct public road corner visibility. If vegetation screening is used, the screening device should be planted so that a mature plant would not encroach on the adjoining property. Nothing in this section shall be interpreted to require an existing Junkyard/Automobile Salvage yard to install screening to buffer new residential development.

Section 2.4 Proximity to Schools

No Automobile Salvage Yard or Junkyard shall be located or permitted to expand within one-half (1/2) mile radius of any public or private school ground unless the Yard, in addition to the screening requirement, is completely sealed when closed with fencing or other devices which will prevent entry by children but not endanger children.

Section 2.5 Entranceway

New Automobile Salvage Yards or junkyard that have direct vehicular access from a public road shall obtain a driveway permit from North Carolina Department of Transportation after the adoption date of this Ordinance.

Section 2.6 Screening Devices in General

In any case where a screening device is required by this Ordinance, the screen may be composed of a wall, fence, landscaped earth berm, or a combination which shall be at least ninety percent (90)% opaque from the ground to a height of at least six (6) feet. If a wall or fence is constructed as a screening device, the material, color and style of the wall or fence must provide for permanency without deterioration and for consideration for pleasant appearance as determined by the Planning Board.

ARTICLE III

EXCEPTION AND MODIFICATIONSSection 3.1 Enclosed Buildings

Nothing in this Ordinance shall apply to junk, junked and wrecked vehicles and similar material that is contained within a completely enclosed building.

Section 3.2 Garages, Repair Shops and Service Stations

Nothing in this Ordinance shall apply to bona fide garages, repair shops and service stations where the short-term storage of no more than five (5) junked vehicles is incidental to the principal business.

Section 3.3 Existing Automobile Salvage Yards and Junkyards

In the adoption of this ordinance, existing Automobile Salvage yards and Junkyards are those which have been registered with the county and a certificate of compliance issued. Existing yards that have planted vegetation as screening, the trees or shrubs shall be a minimum of six (6) feet within four (4) years from date of certificate of compliance. If the vegetation screening is not six (6) feet within four (4) years, a fence, wall or earth berm shall be constructed.

Section 3.4 Discoveries

All Automobile Salvage yards and Junkyards that are existing at the time of the amendment to the adoption of this ordinance and have not registered with the county as an existing salvage yard or junkyard will be a discovery and regulated and enforced under the same regulations as a new automobile salvage yard or junkyard.

ARTICLE IV

PLAN APPROVAL REQUIREDSection 4.1 General

Prior to the development, operation or maintenance of a new Automobile Salvage Yard or Junkyard or the expansion of an existing Yard, the owner or his agent of such Yard shall obtain approval of a site plan from the Planning Board and such development, operation, maintenance or expansion shall be in conformance with such approved plan.

Section 4.2 Plan Control

The site plan shall be drawn to scale and 8 copies submitted to the Planning Department by the last working day of the month. The plan shall contain such information as is necessary to determine compliance with the Standards of Article II.

Section 4.3 Planning Board Action

Upon receipt of a properly prepared plan, the Planning Board shall recommend for either approval, approval with conditions or denial of the plan. Failure of the Planning Board to make its decision within forty five (45) days of first consideration of the plan shall constitute an approval.

Section 4.4 Compliance Permit

No new Automobile Salvage Yard or Junkyard or expansion to an existing yard shall be established or commence operation until a Compliance Permit has been issued by the Enforcement Officer stating that the Yard is in full compliance with all the Standards of Article II as shown on the plan and any conditions as may have been imposed by the Planning Board. Establishment or operation of such a Yard without having fully complied with the plan as approved or without a Compliance Permit shall constitute a violation of this Ordinance.

ARTICLE V

ADMINISTRATION AND ENFORCEMENTSection 5.1 Enforcement Officer

This Ordinance shall be enforced by an Enforcement Officer(s) appointed by the County Manager. In carrying out his duties and responsibilities, the Enforcement Officer shall have the same general powers and duties of a Building Inspector.

Section 5.2 Interpretation, Purpose, Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provisions of the Ordinance shall govern so that, in all cases, the most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern.

Section 5.3 Penalties for Violation

Violations of this Ordinance shall constitute a misdemeanor and, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation. The civil penalty, if not paid to Yadkin County within fifteen days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$50.00 (fifty dollars) for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that abandoned or junked vehicles be removed; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

The provision of this Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this Section. Each day's violation of this Ordinance shall constitute a separate violation.

Section 5.4 Other Remedies

Nothing in this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances, health and safety hazards and the like and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in any other ordinances or laws.

Section 5.5 Validity

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.

Section 5.6 Effective Date

Duly amended by the Yadkin County Board of Commissioners, Yadkin County, North Carolina. This Ordinance shall take effect and be in force on OCTOBER 1, 1998.

Amended this 21ST day of SEPTEMBER 1998.

W. H. Dickinson
Chairman, Yadkin County Board of Commissioners

Cecil E. Wood
Clerk to the Board

CREDITS

YADKIN COUNTY BOARD OF COUNTY COMMISSIONERS

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CHRIS GROCE
RICHARD MILLER
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JERRY MILLER, YADKIN COUNTY BUILDING INSPECTOR
MIKE REAVIS, YADKIN COUNTY HEALTH DEPARTMENT

TECHNICAL ASSISTANCE PROVIDED BY

NORTH CAROLINA DEPARTMENT OF COMMUNITY ASSISTANCE
MICHELLE NANCE, PLANNER

